

**Tennessee Department of Education**  
**Office for Civil Rights**  
**Discrimination Complaint Form**

**Note:** We are asking for the following information to assist us in processing your complaint.  
If you need help in completing this form please let us know.

**1. Complainant's Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**City, State and Zip Code** \_\_\_\_\_  
**Telephone Number (home) (    )** \_\_\_\_\_  
**(business) (    )** \_\_\_\_\_

**2. Person discriminated against (if someone other than the complainant)**  
**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**City, State and Zip Code** \_\_\_\_\_

**3. What is the name and location of the institution or agency that you believe discriminated against you?**  
**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**City, State and Zip Code** \_\_\_\_\_  
**Telephone Number (    )** \_\_\_\_\_

**4. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:**  
**a. Race/Color (specify)** \_\_\_\_\_  
**b. National Origin (specify)** \_\_\_\_\_

**5. What date did the alleged discrimination take place?** \_\_\_\_\_

[illegible]

**If yes, what is the status of the grievance?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name** \_\_\_\_\_

**Title** \_\_\_\_\_

8. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? ☐ Yes ☐ No

If yes, check all that apply:

Federal agency ☐

Federal court ☐

State agency ☐

State court ☐

Local agency ☐

Please provide information about a contact person at the agency/court where the complaint was filed.

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_

9. Do you intend to file this complaint with another agency? Yes ☐ No ☐

If yes, when and where do you plan to file the complaint?

Date \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_

10. Has this complaint been filed with this agency before? Yes ☐ No ☐

If yes, when? Date \_\_\_\_\_

11. Have you filed any other complaints with this agency? Yes ☐ No ☐

**If yes, when and against whom were they filed?**

Date \_\_\_\_\_

Name \_\_\_\_\_

**Address** \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

**Telephone Number ( )** \_\_\_\_\_

**Give a brief description of the other complaint** \_\_\_\_\_

[illegible]

**What is the status of the other complaint?** \_\_\_\_\_

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**12. Please sign below, AS WELL AS ON THE APPROPRIATE CONSENT FORMS WHICH FOLLOW, FOR RELEASE OF NECESSARY PRIVATE INFORMATION PERTINENT TO RELEASE OF YOURS OR A MINOR'S PERSONAL INFORMATION. You may attach any written materials or other information that you think is relevant to your complaint.**

\_\_\_\_\_  
**Complainant's Signature**

\_\_\_\_\_  
**Date**

***Parental or Guardian Consent Form***

I have read the [Notice about Investigatory Uses of Personal Information](#) on the following page. I am aware that is is the policy of the U.S. Department of Education Office for Civil Rights (OCR) and the Tennessee Department of Education Office for Civil Rights (TOCR) to protect the identity of complainants who cooperate with their investigations. However, I acknowledge that release of my child's name to

Name of Recipient (Institution, School District, etc.): \_\_\_\_\_

may be essential to the investigation and enforcement of activities conducted by OCR and /or TOCR. I give my consent in those limited circumstances when release is required for the processing of the complaint.

I am also aware of the obligations of OCR and /or TOCR to honor requests under the Freedom of Information Act (FOIA) and the Privacy Act. I understand this may require the disclosure of my child's identity and other information gathered by OCR and /or TOCR. Although no guarantee of confidentiality has been given in exchange for this information, I have not waived my rights to privacy under FOIA that OCR and /or TOCR may assert on my behalf or on behalf of my child.

Accordingly, I give my permission to interview \_\_\_\_\_. I also give my consent to the use of the information obtained in the interview. (I do\_\_\_\_, or I do not\_\_\_\_ (*check one*) want to be present for the interview.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## ***Office for Civil Rights***

### ***Notice about Investigatory Uses of Personal Information***

To resolve your complaint, OCR may need to collect and analyze personal information such as student records or employment records. No law requires you to give personal information to OCR and no sanctions will be imposed on complainants or other persons who do not cooperate in providing information during the complaint resolution process. However, if OCR is unable to obtain information needed to resolve your complaint, we may have to close your complaint.

The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern personal information submitted to all Federal agencies, including OCR.

The Privacy Act of 1974 protects individuals from the misuse of personal information held by the Federal government. It applies to records that are kept and can be located by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of certain personal information in the files of Federal agencies.

The information OCR collects is analyzed by authorized personnel within the agency and will be used only for authorized civil rights compliance and enforcement activities. However, in order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include the age or physical condition of a complainant. Also, OCR may be required to reveal information requested under FOIA (discussed below). OCR will not release information to any other agency or individual except in the one of the 11 instances defined in the Department's regulation at 34 C.F.R. § 5b.9(b).

OCR does not reveal the name or other identifying information about an individual unless it is necessary for completion of an investigation or for enforcement activities against an institution that violates the laws, or unless such information is required to be disclosed under the FOIA or the Privacy Act. OCR will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the FOIA, the Privacy Act or otherwise by law.

***State of Tennessee, Department of Education  
Parental or Guardian Consent Form***

Tennessee Code Annotated § 10-7-504 states:

“The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student’s parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student’s name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.”

As evidenced by my signature on this document, I have read the above law and am aware that it is the policy of the Tennessee Department of Education, to the extent allowed by law, to protect the identity of complainants who cooperate with the Department’s investigations. However, I acknowledge that release of my child’s name to:

Name of Recipient (Institution, School District, etc.): \_\_\_\_\_

may be essential to the investigation and enforcement of activities conducted by the Department. I give my consent in those limited circumstances when release is required for the processing of the complaint.

\_\_\_\_\_  
Name of Child or Minor

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



***Office for Civil Rights***  
***Notice about Investigatory Uses of Personal Information***

To resolve your complaint, OCR may need to collect and analyze personal information such as student records or employment records. No law requires you to give personal information to OCR and no sanctions will be imposed on complainants or other persons who do not cooperate in providing information during the complaint resolution process. However, if OCR is unable to obtain information needed to resolve your complaint, we may have to close your complaint.

The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern personal information submitted to all Federal agencies, including OCR.

The Privacy Act of 1974 protects individuals from the misuse of personal information held by the Federal government. It applies to records that are kept and can be located by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of certain personal information in the files of Federal agencies.

The information OCR collects is analyzed by authorized personnel within the agency and will be used only for authorized civil rights compliance and enforcement activities. However, in order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include the age or physical condition of a complainant. Also, OCR may be required to reveal information requested under FOIA (discussed below). OCR will not release information to any other agency or individual except in the one of the 11 instances defined in the Department's regulation at 34 C.F.R. § 5b.9(b).

OCR does not reveal the name or other identifying information about an individual unless it is necessary for completion of an investigation or for enforcement activities against an institution that violates the laws, or unless such information is required to be disclosed under the FOIA or the Privacy Act. OCR will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the FOIA, the Privacy Act or otherwise by law.

***Office for Civil Rights Consent Form***

Please sign, and date section A or section B:

Print your name: \_\_\_\_\_

Institution named in complaint: \_\_\_\_\_

**A.** I have read the [Notice about Investigatory Uses of Personal Information](#). As a complainant, I understand that in the course of its investigation, OCR may find it necessary to reveal my identity to persons at the institution under investigation. I give my consent. I also understand that under the Freedom of Information Act, OCR may be required to disclose information gathered from me pursuant to this

investigation, except in certain instances, such as where disclosure could constitute an unwarranted invasion of my privacy.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**OR**

**B.** I wish to file this complaint, but I do not give my consent for use of personal information. I have read the Notice about Investigatory Uses of Personal Information and I understand that OCR may have to close this complaint if OCR is unable to proceed with an investigation without releasing my identity.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**MAIL TO: Dr. May Alice Ridley**  
**Director of Civil Rights**  
**Tennessee State Department of Education**  
**9<sup>th</sup> Floor Andrew Johnson Tower**  
**710 James Robertson Parkway**  
**Nashville, TN 37243**  
**FAX (615) 532-2599**

## **Federal Civil Rights Regulations:**

[Section 504 of the Rehabilitation Act of 1973 Regulations](#)

[Title IX of the Education Amendments of 1972 Regulations](#)

[Title VI of the Civil Rights Act of 1964 Regulations](#)

[Age Discrimination Act of 1975 Regulations](#)

[Americans with Disabilities Act of 1990: Title II Regulations](#)

# **EDUCATION AND TITLE VI**

## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS DISCRIMINATION BASED ON RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES WHICH RECEIVE FEDERAL FINANCIAL ASSISTANCE**

U.S. DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
WASHINGTON, D.C. 20202-1328

### **EDUCATION AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

#### **Title VI and Race, Color and National Origin Discrimination**

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Programs and activities that receive Federal financial assistance from the United States Department of Education (ED) are covered by Title VI. ED maintains an Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title VI.

#### **Education Programs and Activities Covered by Title VI**

Agencies and institutions that receive ED funds covered by Title VI include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the education and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; 16,000 local education systems; 3,200 colleges and universities; 10,000 proprietary institutions; and other institutions, such as libraries and museums that receive ED funds.

Programs and activities that receive ED funds must operate in a non-discriminatory manner. These may include, but are not limited

to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment, if it affects those who are intended to benefit from the Federal funds. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title VI. For a recipient to retaliate in any way is considered a violation of Title VI. The ED Title VI regulations (Volume 34, Code of Federal Regulations, Part 100) provide a detailed discussion of discrimination prohibited by Title VI.

#### **The Office for Civil Rights Enforces Title VI**

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title VI as it applies to programs and activities funded by ED. OCR's responsibility to ensure that institutions that receive ED funds comply with Title VI is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging discrimination on the basis of race, color or national origin. Also, through a compliance review program of selected recipients, OCR is able to identify and remedy discrimination that may not be addressed through complaint investigations. Compliance reviews differ from complaint investigations in that OCR has discretion in selecting the institutions it will review.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, through a program of technical assistance, OCR provides guidance and support to recipient institutions to assist them in voluntarily complying with the law. OCR also informs beneficiaries, such as students and applicants for admission to academic programs, of their rights under Title VI.

OCR has investigated and worked with state and local officials to resolve many kinds of civil rights problems, including the following:

- The failure of some school districts to provide equal educational opportunity for national origin minority students who have a limited proficiency in English.

- The maintenance by some state systems of higher education of separate college facilities for students based on their race, color or national origin.
- The discriminatory assignment of minority students to classes designed for students who are mentally retarded.

### **How to File a Discrimination Complaint with OCR**

Anyone who believes there has been an act of discrimination on the basis of race, color or national origin, against any person or group, in a program or activity that receives ED financial assistance, may file a complaint with OCR under Title VI. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complaint should be sent to the OCR regional office that serves the state in which the alleged discrimination occurred (See list of regional offices.) A complaint must be filed within 180 days of the date of the alleged discrimination unless the time for filing is extended for good cause by the Regional Civil Rights Director. If you have also filed a complaint under an institutional grievance process, see the time limit.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much background information as possible about the alleged discriminatory act(s). OCR regional offices may be contacted for assistance in preparing complaints. OCR keeps the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the Freedom of Information Act, the Privacy Act or otherwise required by law.

If an investigation indicates there has been a violation of Title VI, OCR attempts to obtain voluntary compliance. If it cannot obtain voluntary compliance, OCR will initiate enforcement action, either by referring the case to the Department of Justice for court action, or by initiating proceedings, before an administrative law judge, to terminate Federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has had an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant may wish to find out what the institution's

grievance process is and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

### **Where to Request Additional Information or File a Complaint**

The addresses and telephone numbers of the OCR regional offices are listed below. Each regional office is responsible for enforcing Title VI in the states and territories designated for that region. The states and territories for each regional office are indicated.

If you wish additional information about Title VI, or a copy of the regulations which detail the requirements of Title VI, write or phone the OCR regional office which serves your state or territory.

If you wish to file a complaint alleging race, color or national origin discrimination by a recipient institution in your state or territory, write to the appropriate OCR regional office, and follow the instructions stated in the preceding section: How to File a Discrimination Complaint with OCR.

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The OCR office for Tennessee is located at:

**Atlanta Office**

**U.S. Department of Education**

**61 Forsyth St. S.W., Suite 19T70**

**Atlanta, GA 30303-3104**

**Telephone: 404-562-6350**

**FAX: 404-562-6455; TDD: 404-331-7236**

**Email: [OCR\\_Atlanta@ed.gov](mailto:OCR_Atlanta@ed.gov)**



# **Title IX of the Education Amendments of 1972 prohibits Discrimination Based on Sex in Education Programs or Activities which Receive Federal Financial Assistance**

U.S. Department of Education  
Office for Civil Rights  
Washington, D.C. 20202-1328  
**Revised August 1998**

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## **TITLE IX and SEX DISCRIMINATION**

### **Title IX**

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The United States Department of Education (ED) maintains an Office for Civil Rights, with 12 enforcement offices throughout the nation and a headquarters office in Washington, D.C., to enforce Title IX.

### **Education Programs and Activities Covered by Title IX**

Title IX covers state and local agencies that receive ED funds. These agencies include approximately 16,000 local school districts, 3,200 colleges and universities, and 5,000 for-profit schools as well as libraries and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

Programs and activities which receive ED funds must operate in a nondiscriminatory manner. These programs and activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. The ED Title IX regulations (Volume 34, Code of Federal Regulations, Part 106) provide a detailed discussion of discrimination prohibited by Title IX.

### **The Office for Civil Rights Enforces Title IX**

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title IX. OCR's responsibility to ensure that institutions which receive ED funds comply with Title IX is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging sex discrimination. Also, through agency-initiated reviews of selected recipients, OCR is able to identify and remedy sex discrimination which may not be addressed through complaint investigations.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, OCR provides information and guidance to schools, universities and other agencies to assist them in voluntarily complying with the law. OCR also informs students and their parents, and those who apply for admission to academic programs, of their rights under Title IX.

OCR has investigated and worked with recipients to resolve many kinds of civil rights problems, including the following:

- the provision of less than a fair share of funds for athletic scholarships to females;
- inequitable pay for female teachers holding similar teaching positions to those held by male counterparts; and
- discrimination against female students on the basis of pregnancy.

### **How to File a Discrimination Complaint with OCR**

Anyone who believes there has been an act of discrimination on the basis of sex against any person or group in a program or activity which receives ED financial assistance, may file a complaint with OCR under Title IX. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complaint should be sent to the OCR enforcement office that serves the state in which the alleged discrimination occurred. A complaint must be filed within 180 days of the date of the alleged discrimination,

unless the time for filing is extended for good cause by the Enforcement Office Director. If you have also filed a complaint under an institutional grievance process, see the time limit discussed at the end of this section.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much background information as possible about the alleged discriminatory act(s). OCR enforcement offices may be contacted for assistance in preparing complaints. OCR keeps the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the Freedom of Information Act, the Privacy Act or otherwise required by law.

If an investigation indicates there has been a violation of Title IX, OCR attempts to obtain voluntary compliance and negotiate remedies. Only when it cannot obtain voluntary compliance does OCR initiate enforcement action.

Enforcement usually consists of referring a case to the Department of Justice for court action, or initiating proceedings, before an administrative law judge, to terminate Federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has had an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

#### **Where to Request Additional Information or File a Complaint**

Each enforcement office is responsible for enforcing Title IX in the states and territories designated for that office.

If you wish additional information about Title IX, or a copy of the regulations which detail the requirements of Title IX, write or phone the OCR enforcement office which serves your state or territory, or you may call 1-800-421-3481.

If you wish to file a complaint alleging sex discrimination by a recipient institution in your state or territory, write to the appropriate OCR enforcement office, or call, and follow the instructions stated in the preceding section: How to File a Discrimination Complaint with OCR.



